



• **BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF CALIFORNIA**

FILED

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Order Instituting Investigation to Consider Policies to Achieve the Commission's Conservation Objectives for Class A Water Utilities.	Investigation 07-01-022 (Filed January 11, 2007)
In the Matter of the Application of Golden State Water Company (U 133 E) for Authority to Implement Changes in Ratesetting Mechanisms and Reallocation of Rates.	Application 06-09-006 (Filed September 6, 2006)
Application of California Water Service Company (U 60 W), a California Corporation, requesting an order from the California Public Utilities Commission Authorizing Applicant to Establish a Water Revenue Balancing Account, a Conservation Memorandum Account, and Implement Increasing Block Rates	Application 06-10-026 (Filed October 23, 2006)
Application of Park Water Company (U 314 W) for Authority to Implement a Water Revenue Adjustment Mechanism, Increasing Block Rate Design and a Conservation Memorandum Account.	Application 06-11-009 (Filed November 20, 2006)
Application of Suburban Water Systems (U 339 W) for Authorization to Implement a Low Income Assistance Program, an Increasing Block Rate Design, and a Water Revenue Adjustment Mechanism.	Application 06-11-010 (Filed November 22, 2006)
Application of San Jose Water Company (U 168 W) for an Order Approving its Proposal to Implement the Objectives of the Water Action Plan	Application 07-03-019 (Filed March 19, 2007)

**MOTION OF THE CONSUMER FEDERATION OF CALIFORNIA
TO STAY THE PROCEDURAL SCHEDULE SET
FOR CONSIDERATION OF CONSERVATION PROPOSALS OF GOLDEN STATE
WATER COMPANY AND SAN JOSE WATER COMPANY**

By Order of August 30, 2007, the Administrative Law Judge established a schedule for consideration of the conservation proposals of Golden State Water Company ("GSWC") and San Jose Water Company ("San Jose"). The schedule required parties to file opening testimony on rate-related conservation measures for GSWC and San Jose on October 19, 2007, and reply testimony on November 9, 2007.

On Friday, October 5, 2007, at 4:49 p.m., the Division of Ratepayer Advocates (DRA) notified the parties of an all party settlement meeting in Docket nos. A.06-09-006

and A.07-03-019, to be held on October 12, 2007 at 10:00 a.m., pursuant to Rule 12.1(b) of the Commissions Rules of Practice and Procedure¹. At that meeting, the Division of Ratepayer Advocates notified the parties, for the first time, that a settlement in principle had been reached in the GSWC case and that a settlement was being discussed in the San Jose case. Although, under similar circumstances, DRA and the utility agreed, at the request of an intervenor (TURN), to jointly request a modification of the procedural schedule to discuss the intervenor's concerns, DRA has refused to discuss with CFC some of CFC's proposals for settling some issues in the GSWC and San Jose cases and has refused to agree to modifications of the procedural schedule to further discuss settlement or to allow for a 30-day period of comment on proposed settlements..

On Friday, October 19, Golden State Water Company and DRA filed a Joint Motion for approval of a settlement agreement on WRAM and rate design issues. On the same date, DRA failed to file testimony in accord with the procedural schedule set on August 30 stating:

Except with regard to the issue of return on equity, San Jose Water Company (San Jose) and the Division of Ratepayer Advocates (DRA) are not serving testimony today with regard to San Jose's application, A.07-03-019. (The parties note that San Jose submitted testimony in support of A.07-03-019 at the time it filed the application.) The parties have an agreement in principle and anticipate filing a proposed settlement agreement that will address all issues raised by A.07-03-019 that are in dispute between the parties. The parties hope to file that settlement within the next week.

The filing of a settlement in the Golden State Water Company case creates new issues on which CFC has not yet had an opportunity to conduct discovery or

¹ Rule 12.1 requires settling parties to provide notice of a settlement conference "at least seven (7) days in advance of the conference."

testify. The notice that DRA and San Jose Water Company “hope to file [a] settlement within the next week” will further change the scope of the issues presented at the November 15 hearing scheduled in this case. CFC cannot begin discovery on the intended settlement until it is filed.

Rule 12.2 of the Commission's Rules of Practice and Procedure allow CFC 30 days to file comments on the settlements after the motion for adoption of the settlement is filed. CFC therefore requests that further proceedings on the rate design, WRAM, MCBA and other adjustments proposed by Golden State Water Company and San Jose Water Company be stayed until a new procedural schedule can be established which takes into account the rule's requirement that parties be allowed 30 days to comment on any settlement filed by San Jose Water Company and the DRA.

WHEREFORE the Consumer Federation of California respectfully requests that the procedural schedule set for consideration of the GSWC and San Jose conservation proposals be stayed until such time as a motion for adoption of a settlement of the San Jose Water Company proposal is filed or until the Division of Ratepayer Advocates notifies the Commission that no settlement will be reached.

Dated: October 23, 2007

Respectfully submitted,

CONSUMER FEDERATION OF CALIFORNIA

By: //s//
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**BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF CALIFORNIA**

Order Instituting Investigation to Consider Policies to Achieve the Commission's Conservation Objectives for Class A Water Utilities. Applications of Golden State Water Company, California Water Service Company, Park Water Company, and Suburban Water Systems

Investigation 07-01-022
Application 06-09-006
Application 06-10-026
Application 06-11-009
Application 06-11-010
Application 07-03-019

CERTIFICATE OF SERVICE

I hereby certify that on October 23, 2007, I served by e-mail all parties on the service lists for I.07-01-022, A.06-09-006 A.06-10-026, A.06-11-009 & A.06-11-010, for which an email address was known, true copies of the original of the following document which is attached hereto:

**MOTION OF THE CONSUMER FEDERATION OF CALIFORNIA
TO STAY THE PROCEDURAL SCHEDULE SET
FOR CONSIDERATION OF CONSERVATION PROPOSALS OF
GOLDEN STATE WATER COMPANY AND SAN JOSE WATER COMPANY**

The aforementioned document was served on the following:

Michael Whitehead
San Gabriel Valley Water Company
PO BOX 6010,
El Monte, CA 91734

Adrian Hansen
1231 Forrestville Avenue
San Jose, California 95510

by causing the Notice, enclosed in an envelope addressed to him and with postage prepaid, to be deposited in the U.S. Mail.

Dated: October 23, 2007

Respectfully submitted,

//s//
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